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| 09/899,453 | 07/05/2001 | Gerald Francis McBrearty | AUS9-2001-0338-US1 | 4097 |

7590 04/29/2009
Volel Emile
International Business Machines Corporation
Intellectual Property Law Department
11400 Burnet Road, Internal Zip 4054
Austin, TX 78758

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| EXAMINER |
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NGUYEN, TRI V

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| ART UNIT | PAPER NUMBER |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GERALD FRANCIS McBREARTY,
SHAWN PATRICK MULLEN and JOHNNY MENG-HAN SHIEH

Application No. 09/899,453
Technology Center 1700

Mailed: April 29, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 28, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

RESPONSE TO REQUEST FOR CLEAN COPY OF CLAIMS

In response to the PTO-90C mailed on March 4, 2009, which stated in part that “[a] clean copy of the claims is required,” Appellants filed a paper entitled “Response to Request for Clean Copy of Claims” dated April 25, 2009. There is no indication on the record that the Examiner has considered the above “Response to Request for Clean Copy of Claims.”

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to consider the “Response to Request for Clean Copy of Claims” filed April 25, 2009; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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